1995 ஏப்ரல் 20] [டாக்டர் இரா. நெடுஞ்செழியன்]

சொல்லிவிட்டுச் சென்றிருக்கிற காரணத்தாலும், மாண்புமிகு உறுப்பினர் பெருமக்கள் பலபேரும் அவர் மீது நடவடிக்கையெடுக்க வேண்டுமென்று வற்புறுத்துவதன் காரணமாகவும், ஏற்கனவே இப்படிப்பட்ட முறைகளில் ஈடுபட்டவர்கள் மீது தாங்கள் எப்படிப்பட்ட நடவடிக்கையை எடுத்துக் கொண்டீர்களோ, அதே அடிப்படையில் இந்தத் தொடர் கூட்டம் முடிகிற வரையிலும் திரு. பீட்டர் அல்போன்ஸ் அவர்களையும் விலக்கி வைக்கவேண்டும்"

என்ற தீர்மானத்தை, நம்முடைய சட்டப் பேரவை விதிகளில் 121(2)-வது விதியின் கீழ் நான் கொண்டு வருகிறேன்.

மாண்புமிகு பேரவைத் தலைவர்: மாண்புமிகு பேரவை முன்னவர் அவர்களுடைய தீர்மானம் பேரவையின் முடிவிற்கு விடப்படுகிறது.

ஏற்போர் 'ஆம்' என்க. (ஆம்)

மறுப்போர் 'இல்லை' என்க.

மறுப்போரே இல்லை என்று கருதுகிறேன்.

மறுப்போரே இல்லை.

தீர்மானம் ஒருமனதாக நிறைவேறியது. (மேசையைத் தட்டும் ஒலி).

4. உறுப்பினர்கள் திரு. ஜி. விசுவநாதன் மற்றும் திரு. அழகு திருநாவுக்கரசு பதவி இழப்பு என அறிவிக்கக் கோரிய மனு மீது பேரவைத் தலைவரின் அறிவிப்பு.

Hon. Speaker: An announcement to the House. I am to inform the House that I have received a petition from Tmt. Mariam-Ul-Aasia, M.L.A. against Thiru G. VISWANATHAN, M.L.A. under the Tenth Schedule of the Constitution of India which deals with the provisions as to disqualification on the ground of defection read with The Members of the Tamil Nadu Legislative Assembly (Disqualification on Ground of Defection) Rules, 1986. In the petition the Member has prayed that--

(1) that the Hon. Speaker may be pleased to disqualify the Respondent Thiru G. Viswanathan, from being a Member of the Tamil Nadu Legislative Assembly as per the provisions of law, that is the Tenth

Schedule of the Constitution of India read with The Members of the Tamil Nadu Legislative Assembly (Disqualification on Ground of Defection) Rules, 1986 and

(2) that the seat of the Respondent, namely Arcot constituency may be declared as vacant.

Having gone through the petition as well as the enclosures and since the petition has complied with all the requirements of Rule 6, the petition with all its enclosures was forwarded to the Respondent for his comments in writing.

After a detailed scrutiny of the comments received from the Respondent and after affording personal hearing as per the rules, I have carefully examined the averments made in the petition as well as the written comments and statements made during personal hearing and I have ordered as follows:-

"That he got elected to the Tamil Nadu Legislative Assembly as a candidate set up by a political party, viz., All India Anna Dravida Munnetra Kazhagam (A.I.A.D.M.K.);

that for the purpose of the Tenth Schedule, he shall be deemed to belong to that political party i.e., All India Anna Dravida Munnetra Kazhagam (A.I.A.D.M.K.) in accordance with the explanatory note of sub-para 2(1) (a), though he had been expelled from that party and declared as an 'unattached' member by me;

that he has joined another political party, viz. Marumalarchi Dravida Munnetra Khazhagam (M.D.M.K.);

that he has not denied any of the contentions of the petitioner as alleged in the petition; and

that he does not come under the purview of the exception, envisaged in Paragraphs 3 and 4 of the Tenth Schedule".

For the reasons stated above and in exercise of the powers conferred upon me by the Tenth Schedule of the Constitution.

முற்பகல் *11.45*

I, R. MUTHIAH, Speaker of the Tamil Nadu Legislative Assembly do hereby declare that--

(i) the Respondent, viz., Thiru G. Viswanathan, has incurred disqualification (Thumping of desks) for being a member of the Tamil Nadu Legislative Assembly under Article 191 (2) of the Constitution of India read with clause (a) of sub-para (1) of Paragraph 2 of the Tenth Schedule and, accordingly Thiru G. Viswanathan has ceased to be a member of the Tamil Nadu Legislative Assembly with immediate effect; and (Thumping of desks)

(ii) that the seat held by him in the Tamil Nadu Legislative Assembly, shall thereupon fall vacant according to the provisions of Article 190 (3) (a) of the Constitution of India.

Copies of the detailed order will be forwarded to the Respondent, namely, Thiru. G. Viswanathan and the petitioner Thirumathi Mariam-Ul-Aasia as well as to the Legislature Party Leader of the political party. It shall be notified and published in the Extra-ordinary issue of the Gazette of Tamil Nadu.

An Information Sheet, as required under the rules shall be issued to the Members.

Another announcement. I am to inform the House that I have received a petition from Thiru A. Subburathinam, M.L.A., against Thiru Azhagu Thirunavukkarasu, M.L.A., under the Tenth Schedule of the Constitution of India which deals with the provisions as to disqualification on the ground of defection read with The Members of the Tamil Nadu Legislative Assembly (Disqualification on Ground of Defection) Rules, 1986, In the petition the member has prayed that —

(1) that the Hon. Speaker may be pleased to disqualify the Respondent Thiru Azhagu Thirunavukkarasu from being a member of the Tamil Nadu Legislative Assembly as per the provisions of law, that is the Tenth Schedule of the Constitution of India read with The Members of the Tamil Nadu Legislative Assembly (Disqualification on Ground of Defection) Rules, 1986 and

(2) that the seat of the Respondent, namely Orathanadu Constituency may be declared as vacant.

Having gone through the petition as well as the enclosures and since the petition has complied with all the requirements of Rule 6, the petition with all its enclosures was forwarded to the Respondent for his comments in writing .

After a detailed scrutiny of the comments received from the Respondent, and after affording personal hearing as per the rules, I have carefully examined the averments made in the petition as well as the written comments and statements made during personal hearing and I have ordered as follows :—

"That he got elected to the Tamil Nadu Legislative Assembly as a candidate set up by a political party, viz. All India Anna Dravida Munnetra Kazhagam (A.I.A.D.M.K.) ;

that for the purpose of the Tenth Schedule, he shall be deemed to belong to that political party i.e., All India Anna Dravida Munnetra Kazhagam (A.I.A.D.M.K.) in accordance with the explanatory note of sub-para 2(1) (a), though he had been expelled from that party and declared as an 'unattached' member by me;

that he has joined another political party, viz., Marumalarchi Dravida Munnetra Kazhagam (M.D.M.K.);

that he has not denied any of the contentions of the Petitioner as alleged in the petition ; and

that he does not come under the purview of the exception envisaged in Paragraphs 3 and 4 of the Tenth Schedule."

For the reasons stated above and in exercise of the powers conferred upon me by the Tenth Schedule of the Constitution,

I. R. MUTHIAH, Speaker of the Tamil Nadu Legislative Assembly do hereby declare that—

(i) the Respondent viz., Thiru Azhagu Thirunavukkarasu has incurred disqualification for being a member of the Tamil Nadu

Legislative Assembly (Thumping of desks) under Article 191(2) of the Constitution of India read with Clause (a) of sub-para (1) of paragraph 2 of the Tenth Schedule and accordingly Thiru Azhagu Thirunavukkarasu has ceased to be a member of the Tamil Nadu Legislative Assembly with immediate effect; and (Thumping of desks)

(ii) that the seat held by him in the Tamil Nadu Legislative Assembly, shall thereupon fall vacant according to the provisions of Article 190(3)(a) of the Constitution of India.

Copies of the detailed order will be forwarded to the Respondent, namely Thiru Azhagu Thirunavukkarasu and the petitioner Thiru A. Subburathinam as well as to the Legislature Party Leader of the political party. It shall be notified and published in the Extra-ordinary issue of the Gazette of Tamil Nadu.

An Information Sheet, as required under the rules shall be issued to the Members.

முற்பகல் 11–50

5. சிறப்புக் கவன ஈர்ப்பு

இராமேஸ்வரம் கடலில் கடத்தப்பட்ட மீனவர்களை மீட்க வேண்டிய நடவடிக்கைகள் குறித்து.

மாண்புமிகு பேரவைத் தலைவர்: சிறப்புக் கவன ஈர்ப்பு. இராமநாதபுரம் மாவட்டம், இராமேஸ்வரம் அருகில் கடலில் மீன்பிடிக்கச் சென்ற மீனவர்கள் கடத்தப்பட்டது பற்றிய பிரச்சினையைப் பேரவையில் எழுப்பி அரசின் கவனத்திற்குக் கொண்டுவரவேண்டுமென்று திரு. ஜி. பழனிசாமி, திரு. இரா. தாமரைக்கனி, திருமதி கே. மரியம் உல் ஆசியா ஆகியோர் என்னிடத்தில் ஓர் அறிவிப்பைக் கொடுத்திருக்கிறார்கள். (குறுக்கீடு) இது இராமேஸ்வரம் பற்றிய பிரச்சினை. உறுப்பினர் பிரச்சினை அல்ல. இது பற்றிய பிரச்சினையை அரசின் கவனத்திற்குக் கொண்டுவரக் கேட்டுக்கொள்கிறேன். திரு. ஜி. பழனிசாமி.

திரு. ஜி. பழனிசாமி: மாண்புமிகு பேரவைத் தலைவர் அவர்களே, தமிழ்நாட்டில் இராமேஸ்வரத்தில் 15 விசைப் படகுகளில்